

REMARKS

Claims 1-48 are pending. Claims 18, 19, and 40-43 are withdrawn from consideration as being drawn to a non-elected invention. Accordingly, claims 1-17, 20-39, and 44-48 are pending and under consideration.

All of the pending claims relate to a personal care product having a grip where the grip includes a core and a sheath surrounding the core. The sheath provides the desired abrasion resistance, tactile characteristics and adhesion to an underlying handle, whereas the core material provides the desired compliance characteristics. (See Specification, the paragraph bridging pages 1 and 2.)

Claims 1, 2, 8, 17, 20-22, 28, 37 44-48 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,815,874 to Weihrauch ("Weihrauch"). The Examiner asserts that Weihrauch '874 discloses a grip (1) to a handle; the grip comprising a core (figure 5; core of 1) and a sheath (figure 5; outer sheath of 1) surrounding the core. (See Office Action p. 2, third paragraph.) Applicants disagree with the Examiner's characterization of Weihrauch's disclosure as disclosing a core surrounded by a sheath.

Weihrauch discloses a brush body that is made from an elastomer mixed with a foaming agent. The body is foamed in the area of the handle, for example as shown in Figure 5, and is substantially solid in the area of the head, for example as shown in Figure 2. (See Col. 2, lines 1-5, and Col. 4, lines 14-34.) The Examiner's characterization of Figure 5 as disclosing a core and sheath is contrary to what is shown in Figure 5: a material that is substantially completely foamed, with pores extending uniformly from the center to the outer surface.

It appears that the Examiner has interpreted the outline of the handle (i.e., the circle indicating the outer surface of the handle) in Figure 5 as a sheath. However, nothing in the text describing Figure 5 or elsewhere in Weihrauch, supports such an interpretation.

Without a teaching of a sheath/core combination, Weihrauch fails to anticipate Applicants' claimed invention, and Applicants request that the corresponding rejection be withdrawn.

Claims 3-7, 9-16, 23-27, 29-36, 38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Weihrauch. As discussed above, Weihrauch does not teach or suggest a grip including a core and a sheath surrounding the core. Without such a teaching or suggestion, Weihrauch does not support a *prima facie* case of obviousness. Accordingly, Applicants request that the corresponding rejection be withdrawn.

The fact that Applicants have addressed certain positions of the Examiner does not mean that Applicants concede other stated positions of the Examiner. For example, Applicants do not concede that the Examiner's assertion that foamed portions of Weihrauch's elastomer are softer than unfoamed portions is correct. The fact that Applicants have made arguments for patentability of the independent claims does not mean that Applicants concede that there are not other good reasons for patentability of those or other claims.

Applicants believe that no fee is due. However, if Applicants have reached this conclusion in error, please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 00216-551001.

Respectfully submitted,

Date:

December 12, 2003

Catherine M. McCarty
Catherine M. McCarty
Reg. No. 54,301

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906